

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : David A. Brown, Alexander A. Khorlin,
Krystyna Lesiak and Wu Yun Ren
Serial No. : 09/085,917
Filed : May 28, 1998
For : DERMATOLOGICAL COMPOSITIONS AND
METHODS
Examiner : N. Nutter
Group : 1711

Commissioner of Patents and Trademarks
Washington, D.C. 20231

COMBINED CERTIFICATE UNDER 37 CFR 3.73(b) AND
POWER OF ATTORNEY BY ASSIGNEE OF ENTIRE INTEREST

I. Certificate Under 37 CFR 3.73(b)
Establishing Right of Assignee to Take Action

Applied Genetics Incorporated Dermatics, a corporation of Delaware, certifies that it is the assignee of the entire right, title and interest in the patent application identified above by virtue of an assignment from Codon Pharmaceuticals, Inc. A true copy of the assignment is attached hereto and is also being submitted for recordation under separate cover.

The undersigned (whose title is supplied below) is empowered to sign this certificate on behalf of the assignee.

II. Power Of Attorney By Assignee

Applied Genetics Incorporated Dermatics, the assignee of record of the entire right, title and interest in the patent application hereby revokes all powers of attorney previously given and appoints the following attorney to prosecute and transact all business in the Patent and Trademark Office connected therewith:

Maurice M. Klee, Ph.D.
Reg. No. 30,399
Attorney at Law
1951 Burr Street
Fairfield, CT 06430

Tel: (203) 255-1400

NAME OF ASSIGNEE
ADDRESS OF ASSIGNEE

Applied Genetics Incorporated Dermatics
205 Buffalo Avenue
Freeport, NY 11520

January 27, 2000
(Date)

Daniel B. Yarosh
Daniel B. Yarosh, President

ASSIGNMENT

WHEREAS, Codon Pharmaceuticals, Inc. (CODON), a corporation of Delaware, is the owner by assignment of the entire right, title, and interest in and to the following patent and patent applications:

- 1) **U.S. Patent No. 5,990,177**
Issued: : November 23, 1999
Inventor : Brown
Appl. No. : 08/933,144
Filed: : September 18, 1997
For : Treatment of Disease Mediated by Nitric
Oxide/cGMP/Protein Kinase G Pathway
Atty Dkt No.: 013/PA-0093
- 2) **U.S. Provisional Application No. 60/026,577**
Applicant : Brown et al.
Filed : September 18, 1996
For : Dermatological Compositions and Methods
Atty Dkt No.: 024/PA-0064 P1
- 3) **U.S. Provisional Application No. 60/035,947**
Applicant : Brown et al.
Filed : January 21, 1997
For : Dermatological Compositions and Methods
Atty Dkt No.: 023/PA-0064 P2
- 4) **U.S. Provisional Application No. 60/036,863**
Applicant : Brown et al.
Filed : February 4, 1997
For : Dermatological Compositions and Methods
Atty Dkt No.: 022/PA-0064 P3
- 5) **U.S. Provisional Application No. 60/048,597**
Applicant : Brown et al.
Filed : June 4, 1997
For : Dermatological Compositions and Methods
Atty Dkt No.: 021/PA-0064 P4

- 6) **U.S. Application No. 08/933,143**
Applicant : Brown et al.
Filed : September 18, 1997
For : Dermatological Compositions and Methods
Atty Dkt No.: 019/PA-0068
- 7) **U.S. Application No. 08/933,144**
Applicant : Brown
Filed: : September 18, 1997
For : Treatment of Disease Mediated by Nitric
Oxide/cGMP/Protein Kinase G Pathway
Atty Dkt No.: 013/PA-0093
- 8) **U.S. Application No. 08/933,145**
Applicant : Brown & Ren
Filed : September 18, 1997
For : Treatment of Neurodegenerative Diseases
Atty Dkt No.: 015/PA-0086
- 9) **U.S. Application No. 09/055,274**
Applicant : Ren et al.
Filed : April 6, 1998
For : Dermatological Formulations and Methods
Atty Dkt No.: 002/020160-392
- 10) **U.S. Application No. 09/085,917**
Applicant : Brown et al.
Filed : May 28, 1998
For : Dermatological Compositions and Methods
Atty Dkt No.: 017/PA-0068 CIP2
- 11) **U.S. Application No. 09/086,200**
Applicant : Brown & Ren
Filed : May 28, 1998
For : Treatment of Neurodegenerative Diseases
Atty Dkt No.: 014/PA-0086 CIP

- 12) **U.S. Application No. 09/086,547**
Applicant : Ren and Brown
Filed : May 28, 1998
For : Dermatological Compounds
Atty Dkt No.: 011/PA-0104
- 13) **U.S. Application No. 09/086,548**
Applicant : Brown et al.
Filed : May 28, 1998
For : Treatment of Disease Mediated by Nitric
Oxide/cGMP/Protein Kinase G Pathway
Atty Dkt No.: 012/PA-0093 CIP
- 14) **International Application No. PCT/US97/16642**
Applicant : Brown et al.
Filed : September 18, 1997
For : Pharmaceutical Compositions and Methods
Atty Dkt No.: 018/PA-0068 PCT
- 15) **International Application No. PCT/US98/05346**
Applicant : Brown et al.
Filed : March 18, 1998
For : Pharmaceutical Compositions and Methods
Atty Dkt No.: 016/PA-0068 PCT CIP
- 16) **International Application No. PCT/US99/07495**
Applicant : Ren et al.
Filed : April 6, 1999
For : Dermatological Formulations and Methods
Atty Dkt No.: AD-020160-392
- 17) **International Application No. PCT/US99/11839**
Applicant : Brown et al.
Filed : May 28, 1999
For : Dermatological Compositions and Methods
Atty Dkt No.: 032384-017

- 18) **International Application No. PCT/US99/11840**
Applicant : Brown & Ren
Filed : May 28, 1999
For : Treatment of Neurodegenerative Diseases
Atty Dkt No.: 032384-014
- 19) **International Application No. PCT/US99/11841**
Applicant : Ren and Brown
Filed : May 28, 1999
For : Dermatological Compounds
Atty Dkt No.: 032384-011
- 20) **Australian Application No. 45,842/97**
Applicant : Brown et al.
Filed : April 20, 1999
For: : Pharmaceutical Compositions and Methods
Parent : International Appl. No. PCT/US97/16642
Atty Dkt No.: 032384-018AU
- 21) **Canadian Application No. 2,266,496**
Applicant : Brown et al.
Filed : March 18, 1999
For: : Pharmaceutical Compositions and Methods
Parent : International Appl. No. PCT/US97/16642
- 22) **EP Application No. 97944319.9**
Applicant : Brown et al.
Filed : March 18, 1999
For: : Pharmaceutical Compositions and Methods
Parent : International Appl. No. PCT/US97/16642

WHEREAS, Applied Genetics Incorporated Dermatics (AGI), a corporation of Delaware, is desirous of acquiring the entire right, title, and interest in and to the above-identified patent and patent applications.

WHEREAS, on January 14, 2000, the United States Bankruptcy Court for the District of Delaware, in the Chapter 11 bankruptcy entitled *In re Codon Pharmaceuticals, Inc. and Oncor, Inc.*, Case No. 99-436 (JJF), authorized the sale of the above-identified patent and patent applications from CODON to AGI in an order entitled "Amended Order Under 11 U.S.C. Section 363 Authorizing Sale of Brown Patents," the contents of which are incorporated herein and a copy of which is attached as Exhibit 1.

NOW THEREFORE, for the good and valuable consideration recited in Exhibit 1, receipt of which is hereby acknowledged, CODON does hereby sell, assign and transfer unto AGI, and its successors, assigns and legal representatives, the entire right, title and interest in and to the above-identified patent and patent applications including any divisions, continuations, continuations-in-part, reissues, reexaminations, or extensions thereof and all rights to sue and recover for past, present, and future infringement, said sale, assignment, and transfer being effective as of this 26th day of January, 2000.

Signed at Golden, Colorado, this 26th day of January, 2000.

CODON PHARMACEUTICALS, INC.

By Joseph R. Shaya
Joseph R. Shaya, Acting President
and Chief Executive Officer

State of COLORADO)
) SS.
County of JEFFERSON)

On this 26th day of January, 2000, before me appeared Joseph R. Shaya, the person who signed this instrument, who acknowledged that he signed it as a free act on behalf of the identified corporation with authority to do so.

Marilyn Shaya
Notary Public

My Commission Expires 11-18-02

DECLARATION AND POWER OF ATTORNEY

Docket: PA-0068 CIP
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As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

DERMATOLOGICAL COMPOSITIONS AND METHODS

the specification of which

X is attached hereto.

— was filed on

as Application Serial No.

and was amended on

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application of which priority is claimed:

PRIOR FOREIGN APPLICATION(S)

Priority claimed

PCT/US98/05346 18 March 1998 PCT
(Number) (Day/month/year filed) (Country)

Yes

PCT/US97/16642 18 September 1997 PCT
(Number) (Day/month/year filed) (Country)

Yes

(Number) (Day/month/year filed) (Country)

Yes No

I hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application and the national or PCT international filing date of this application.

08/933,143 September 18, 1997 Pending
(Application Serial No.) (Filing Date) (Status)

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

60/026,577 September 18, 1996
(Application Serial No.) (Filing Date)

60/035,947 January 21, 1997
(Application Serial No.) (Filing Date)

60/036,863 February 4, 1997
(Application Serial No.) (Filing Date)

60/048,597 June 4, 1997
(Application Serial No.) (Filing Date)

I hereby appoint Glenn E. Karta, Registration No. 30,649, and Jonathan M. Cohen, Registration No. 40,562, my attorneys with full power of substitution and appointment of associate attorneys, to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith.

Please address all correspondence to:

Glenn E. Karta
Codon Pharmaceuticals, Inc.
200 Perry Parkway
Gaithersburg, MD 20877
(301) 527-2058

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of sole or first inventor: DAVID A. BROWN

Inventor's signature: 

Date: May 28, 1998
Residence: Ellicott City, Maryland, 21042 U.S.A.
Citizenship: United States of America
Post Office Address: 4534 Kingscup Court, Ellicott City, MD 21042

Full name of second joint inventor, if any: ALEXANDER A. KHORLIN

Inventor's signature: A. Khorlin

Date: 05/28/98

Residence: Rockville, Maryland, 20878 U.S.A.

Citizenship: Russian Federation

Post Office Address: 10517 Bounty Cove Court, Rockville, MD 20878

Full name of third joint inventor: KRYSTYNA LESIAK

Inventor's signature: Krystyna Lesiak

Date: May 28, 1998

Residence: Gaithersburg, Maryland, 20879 U.S.A.

Citizenship: United States of America

Post Office Address: 15 Brassie Court, Gaithersburg, MD 20879

Full name of fourth joint inventor, if any: WU YUN REN

Inventor's signature: Wu Yun Ren

Date: May 28, 1998

Residence: Germantown, Maryland, 20874 U.S.A.

Citizenship: United States of America

Post Office Address: 12518 Timber Hollow Place, Germantown, MD 20874